

Case 3:16-cr-00479-N Document 449 Filed 04/09/19 Page 1 of 3 PageID 1664
IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

CARLOS LUIS VENEGAS (1)

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Crim Action No. 3:16-CR-00479-N

MOTION FOR CONTINUANCE OF PRESENTENCE REPORT RESPONSE

Defendant Carlos Luis Venegas, under Federal Rules of Criminal Procedure Rule 45(b) and 18 U.S.C. § 3161(h)(7)(A), respectfully moves the Court for a continuance of the due date for the defense response to the Presentence Report in this case (document 446-1), currently due on 15 April 2019, until 22 April 2019.

I. Procedural History

The government filed under seal the initial indictment in this case on 1 November 2016. Defendant Venegas was arrested on 7 November 2016, and he had his initial appearance and arraignment on 8 November 2016 (document 10). Dimitri Dube entered his appearance as counsel for Defendant Venegas on 8 November 2016, and he represented Defendant Venegas at trial until the verdict on 1 February 2019 (document 392). This Court set a sentencing schedule that required a Presentence Report to be issued by 1 April 2019, responses from counsel due by 15 April 2019, and sentencing on 13 May 2019.

Patrick J. McLain entered his motion for substitute attorney for Defendant Venegas on 15 February 2019. On 1 April 2019, while counsel for defendant was in trial at Air Force Academy in Colorado Springs, the U.S. Probation Office for the Northern District of Texas distributed the initial presentence report in this case (document 446-1).

Counsel for the defense was in trial in Colorado Springs, Colorado from 30 March to 6 April 2019 in the trial of US v. Cadet Daven Horne at the U.S. Air Force Academy. On 8 April 2019, counsel for the defense traveled to the U.S. Territory of Guam for a U.S. Navy Board of Inquiry in the case of US v. Lieutenant Commander Eric Bauman, which will be ongoing through Saturday 13 April. These were trials and hearings that were scheduled well before 1 February 2019.

II. Reasons for the Request for Continuance

This continuance will permit defense counsel to be adequately prepared and effective in discussing and analyzing the initial presentence report with Defendant Venegas. Counsel for Defendant Venegas needs sufficient time to confer with him in private, preserving the attorney-client privilege, and a continuance of the due date for the defense response to the initial presentence report to 22 April 2019.

IV. Conclusion

For the reasons set forth above, the Defendant Venegas respectfully moves this Court for a continuance of the due date for the response to the presentence report to 22 April 2018.

Respectfully Submitted,

/s/ Patrick J. McLain

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CERTIFICATE OF CONFERENCE

Counsel for the government, Assistant United States Attorney Myria Boehm spoke with counsel for Defendant Venegas on 27 March 2019, and she stated that the government is not opposed to this motion.

Respectfully Submitted,

/s/ Patrick J. McLain

Patrick J. McLain
Attorney for Defendant Venegas

CERTIFICATE OF SERVICE

I certify that a true and exact copy of Defendant Venegas's Motion for Continuance of Presentence Report Response was served electronically via the CM/ECF system to Assistant United States Attorney Myria Boehm on 9 April 2019.

/s/ Patrick J. McLain

Patrick J. McLain
Attorney for Defendant Venegas